

INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE  
OF VIRGINIA SECTION 45.1-361.26

1372  
VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

DOCKET NO. VGOB 08/05/20-2229

ELECTIONS, UNIT: VC-539797

(hereinafter "Subject Drilling Unit")

TAX MAP IDENTIFICATION NUMBERS:

TAX MAP IDENTIFICATION NUMBERS FOR ALL PARCELS  
AFFECTED BY THIS ORDER ARE SHOWN ON EXHIBIT (S) -  
B WHICH IS/ARE ATTACHED TO AND A PART OF THIS  
ORDER.

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on July 15, 2008 and recorded in Deed Book 456, Page 256 in the Office of the Clerk of Circuit Court, Dickenson County, Virginia on August 7, 2008, (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
  - (a) The Board Order directed EQT Production Company, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
  - (b) The designated operator filed its affidavit of mailing dated September 2, 2008, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;

- (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated October 7, 2009, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interest, estates and claims in Subject Drilling Unit to the Designated Operator;
  - (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B;
  - (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, (540) 563-7764, Attn: Judy Barger, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2 above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, (540) 563-7764, Attn: Judy Barger, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said affidavits to receive such funds and account to the Board therefore.
  4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each person whose interest or claim is subject to escrow and whose address is known.
  5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
  6. Effective Date: This Order shall be effective on the date of its execution.

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DONE AND EXECUTED this 24 day of Nov., 2009 by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 24<sup>th</sup> day of November, 2009 by Order of this Board.

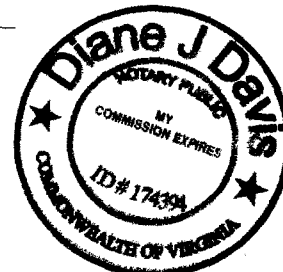
David Asbury Jr.  
David Asbury Jr.  
Principal Executive To The Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA )  
COUNTY OF WASHINGTON  
Russell

Acknowledged on this 24<sup>th</sup> day of November, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and David Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.

Diane J. Davis  
Diane Davis, Notary  
174394

My commission expires: 9/30/13



**VIRGINIA:*****BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of EQT Production Company, for Forced Pooling of Interests in Unit Number VC-539797 VGOB Docket No. VGOB-08/05/20-2229 in the Sandlick Magisterial District of Dickenson County, Virginia.

**AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER**

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on July 15, 2008, by the Virginia Gas and Oil Board regarding the captioned coalbed methane Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who are added as Respondents at the hearing held in the captioned matter;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on August 7, 2008.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election periods:

NONE

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6. That the interest and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow as either unknown claimants or conflicting claimants under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia; that opposite the name of each person named as a Respondent listed below is set forth:

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>NET REVENUE INTEREST</u>
2	Ruby Coley Rt. 2 Box 712 Haysi, Va 24256	Unleased	0.00380893
	Bernard & Ruth Owens P.O. Box 432 Honaker, Va 24260	Unleased	0.00761786
	Elsie & Richard Flint Rt. 1 Box 541 Clintwood, Va 24228	Unleased	0.00380893
	Garmon L. Owens P.O. Box 324 Haysi, Va 24256	Unleased	0.00380893
	Elbert Gerald & Eula Owens 14363 Brynwood Dr. Bristol, Va 24202	Unleased	0.00380893
	- Chris & Wendy Gilbert P.O. Box 1393 Lebanon, Va 24266	Leased	0.00095223
	- Randy Gilbert P.O. Box 1393 Lebanon, Va 24266	Leased	0.00095223
	Selina Holland 7012 Farhills Ave Centerville, Oh 45459	Unleased	0.00095223
	Rebecca Lewis 6422 Tantemount Lane West Carroloton, Oh 45449	Unleased	0.00095223

OR

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>NET REVENUE INTEREST</u>
2	Range Resources-Pine Mountain, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	Leased 906889/TC-226	0.02666250
3	Jimmy Wayne Duty 351 Elder Lane Bee, Va 24217	Unleased	0.00360000
<b>OR</b>			
3	Range Resources-Pine Mountain, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	Leased 906889/TC-226	0.00360000
4	Clair Breeding 3051 Oak Drive Holly, Mi 48442 TAX ID 8322	Leased	0.00309063
	C. Kevin Breeding 3051 Oak Drive Holly, Mi 48442	Leased	0.00309063
	Harold Presley P.O. Box 442 Davenport, Va 24239	Leased	0.00309063
	Sharon Sullivan P.O. Box 224 Davenport, Va 24239	Leased	0.00154531
	Dianah Harrison 3753 Backbone Ridge Clinchco, Va 24226	Leased	0.00154531
<b>OR</b>			
4	Range Resources-Pine Mountain, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	Leased 906889/TC-226	0.01236250
5	Clemon L. Jackson and Gloria O'quinn Jackson, h/w P.O. Box 101 Davenport, Va 24239 TAX ID 7583	Leased 906403	0.00017500

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>NET REVENUE INTEREST</u>
OR			
5	Range Resources-Pine Mountain, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212 TAX ID 11990	Leased 906889/TC-226	0.00017500

7. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims.

NONE

8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

<u>TRACT</u>	<u>LESSOR</u>	<u>CASH CONSIDERATION</u>
2	Ruby Coley Rt. 2 Box 712 Haysi, Va 24256	1.79142857 x \$5.00 = \$8.96
	Bernard & Ruth Owens P.O. Box 432 Honaker, Va 24260	3.58285714 x \$5.00 = \$17.91
	Elsie & Richard Flint Rt. 1 Box 541 Clintwood, Va 24228	1.79142857 x \$5.00 = \$8.96
	Garmon L. Owens P.O. Box 324 Haysi, Va 24256	1.79142857 x \$5.00 = \$8.96
2	Elbert Gerald & Eula Owens 14363 Brynwood Dr. Bristol, Va 24202	1.79142857 x \$5.00 = \$8.96
	Selina Holland 7012 Farhills Ave Centerville, Oh 45459	0.44785714 x \$5.00 = \$2.24

Rebecca Lewis  
6422 Tantemount Lane  
West Carrollton, Oh 45449

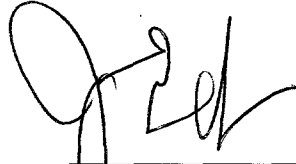
$0.44785714 \times \$5.00 = \$2.24$

<u>TRACT</u>	<u>LESSOR</u>	<u>CASH CONSIDERATION</u>
3	Jimmy Wayne Duty 351 Elder Lane Bee, Va 24217	$1.69 \times \$5.00 = \$8.45$
4	Clair Breeding 3051 Oak Drive Holly, Mi 48442	$1.4525 \times \$5.00 = \$7.26$
	C. Kevin Breeding 3051 Oak Drive Holly, Mi 48442	$1.4525 \times \$5.00 = \$7.26$
	Harold Presley P.O. Box 442 Davenport, Va 24239	$1.4525 \times \$5.00 = \$7.26$
	Sharon Sullivan P.O. Box 224 Davenport, Va 24239	$0.7263 \times \$5.00 = \$3.63$
	Dianah Harrison 3753 Backbone Ridge Clinchco, Va 24226	$0.7263 \times \$5.00 = \$3.63$
5	Clemon L. Jackson and Gloria O'quinn Jackson, h/w P.O. Box 101 Davenport, Va 24239	$0.0800 \times \$5.00 = \$0.40$



That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are required in this matter pursuant to the terms of §§ 45.1-361.21.D.

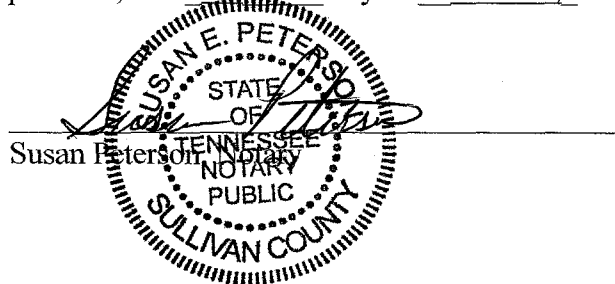
Dated at Kingsport, Tennessee, this 7th day of October 2009.



\_\_\_\_\_  
Affiant

State of Tennessee     )  
County of Sullivan     )

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of EQT Production Company, a corporation, on behalf of the corporation, this 7th day of October, 2009.



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Susan Peterson, Notary

My commission expires: October 24, 2012.

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**EXHIBIT "B"**  
**VC-539797**  
**VGOB - 08/05/20-2229**

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>	
<u>Gas Estate Only</u>						
1 TAX ID 9275	Range Resources-Pine Mountain, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	Leased 906889/T-323	62.44%	36.7	0.07805000	RI
	Equitable Production Company				0.54635000	WI
<u>Tract 1 Totals</u>			62.44%	36.7	0.62440000	
2 Tax ID 9761	Ruby Coley Rt. 2 Box 712 Haysi, Va 24256	Unleased	3.0471429%	1.791428571	0.00380893	RI
	Bernard & Ruth Owens P.O. Box 432 Honaker, Va 24260	Unleased	6.0942857%	3.582857143	0.00761786	RI
	Elsie & Richard Flint Rt. 1 Box 541 Clintwood, Va 24228	Unleased	3.0471429%	1.791428571	0.00380893	RI
	Garmon L. Owens P.O. Box 324 Haysi, Va 24256	Unleased	3.0471429%	1.791428571	0.00380893	RI
	Elbert Gerald & Eula Owens 14363 Brynwood Dr. Bristol, Va 24202	Unleased	3.0471429%	1.791428571	0.00380893	RI
	Chris & Wendy Gilbert P.O. Box 1393 Lebanon, Va 24266	Leased	0.7617857%	0.447857143	0.00095223	RI
	Randy Gilbert P.O. Box 1393 Lebanon, Va 24266	Leased	0.7617857%	0.447857143	0.00095223	RI
	Selina Holland 7012 Farhills Ave Centerville, Oh 45459	Unleased	0.7617857%	0.447857143	0.00095223	RI
	Rebecca Lewis 6422 Tantemount Lane West Carroloton, Oh 45449	Unleased	0.7617857%	0.447857143	0.00095223	RI
	Equitable Production Company				0.18663750	WI
<u>Tract 2 Totals</u>			21.33000000%	12.54	0.21330000	

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3	Jimmy Wayne Duty	Unleased	2.8800000%	1.69	0.00360000	RI
TAX ID 6909	351 Elder Lane Bee, Va 24217					
	Equitable Production Company				0.02520000	WI
<b>Tract 3 Totals</b>			2.8800000%	1.69	0.02880000	
4	Clair Breeding	Leased	2.472500%	1.4525	0.00309063	RI
TAX ID 8322	3051 Oak Drive Holly, Mi 48442					
	C. Kevin Breeding	Leased	2.472500%	1.4525	0.00309063	RI
	3051 Oak Drive Holly, Mi 48442					
	Harold Presley	Leased	2.472500%	1.4525	0.00309063	RI
	P.O. Box 442 Davenport, Va 24239					
	Sharon Sullivan	Leased	1.236250%	0.7263	0.00154531	RI
	P.O. Box 224 Davenport, Va 24239					
	Dianah Harrison	Leased	1.236250%	0.7263	0.00154531	RI
	3753 Backbone Ridge Clinchco, Va 24226					
	Equitable Production Company				0.08653750	WI
<b>Tract 4 Totals</b>			9.890000%	5.8100	0.09890000	
5	Clemon L. Jackson and	Leased	0.140000%	0.0800	0.00017500	RI
TAX ID 7583	Gloria O'quinn Jackson, h/w	906403				
	P.O. Box 101 Davenport, Va 24239					
	Equitable Production Company				0.00122500	WI
<b>Tract 5 Totals</b>			0.140000%	0.0800	0.00140000	
6	Range Resources-Pine Mountain, Inc.	Leased	3.320000%	1.9500	0.00415000	RI
TAX ID 11990	ATTN: Jerry Grantham	906889/T-322				
	P.O. Box 2136 Abingdon, VA. 24212					
	Equitable Production Company				0.02905000	WI
<b>Tract 6 Totals</b>			3.320000%	1.9500	0.03320000	
<b>TOTAL GAS ESTATE</b>			<b>100.000000%</b>	<b>58.7700</b>	<b>1.00000000</b>	
<b><u>Coal Estate Only</u></b>						
1	Range Resources-Pine Mountain, Inc.	Leased	62.44%	36.7	0.07805000	RI
TAX ID 9275	ATTN: Jerry Grantham	906889/T-323				
	P.O. Box 2136 Abingdon, VA. 24212					
	Equitable Production Company				0.54635000	WI
<b>Tract 1 Totals</b>			62.44%	36.7	0.62440000	

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2	Range Resources-Pine Mountain, Inc.	Leased	21.330000%	12.5400	0.02666250	RI
TAX ID 11990	ATTN: Jerry Grantham	906889/TC-226				
	P.O. Box 2136					
	Abingdon, VA. 24212					

	Equitable Production Company				0.18663750	WI
<b>Tract 2 Totals</b>			21.330000%	12.5400	0.21330000	

3	Range Resources-Pine Mountain, Inc.	Leased	2.880000%	1.6900	0.00360000	RI
TAX ID 11990	ATTN: Jerry Grantham	906889/TC-226				
	P.O. Box 2136					
	Abingdon, VA. 24212					

	Equitable Production Company				0.02520000	WI
<b>Tract 3 Totals</b>			2.880000%	1.6900	0.02880000	

4	Range Resources-Pine Mountain, Inc.	Leased	9.890000%	5.8100	0.01236250	RI
TAX ID 11990	ATTN: Jerry Grantham	906889/TC-226				
	P.O. Box 2136					
	Abingdon, VA. 24212					

	Equitable Production Company				0.08653750	WI
<b>Tract 4 Totals</b>			9.890000%	5.8100	0.09890000	

5	Range Resources-Pine Mountain, Inc.	Leased	0.140000%	0.0800	0.00017500	RI
TAX ID 11990	ATTN: Jerry Grantham	906889/TC-226				
	P.O. Box 2136					
	Abingdon, VA. 24212					

	Equitable Production Company				0.00122500	WI
<b>Tract 5 Totals</b>			0.140000%	0.0800	0.00140000	

6	Range Resources-Pine Mountain, Inc.	Leased	3.320000%	1.9500	0.00415000	RI
TAX ID 11990	ATTN: Jerry Grantham	906889/T-322				
	P.O. Box 2136					
	Abingdon, VA. 24212					

	Equitable Production Company				0.02905000	WI
<b>Tract 6 Totals</b>			3.320000%	1.9500	0.03320000	

<b>TOTAL COAL ESTATE</b>			<b>100.000000%</b>	<b>58.7700</b>	<b>1.00000000</b>	
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INSTRUMENT 154002041  
 RECORDED IN THE CLERK'S OFFICE OF  
 DECEMBER 17 2019 AT 09:15 AM

RICHARD W. EDWARDS, CLERK  
 RECORDED BY: JCF

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